

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
STANLEY CHAPPELLE,)	Case No. 99-02287
)	(Chapter 7)
Debtor.)	
)	
)	
SECURITY NATIONAL,)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding
)	No. 00-0020
STANLEY CHAPPELLE and)	
MARYROSE CHAPPELLE,)	
)	
Defendants.)	

DECISION RE MOTION FOR DEFAULT JUDGMENT

The plaintiff Security National seeks in rem relief against the property known as 605 P Street, N.W., Washington, D.C. 20001 ("the Property"). Specifically, it wants the court to impose an equitable servitude imposed on the Property which shall expire one year from the date of entry of the judgment, the effect of the equitable servitude being that the automatic stay of 11 U.S.C. § 362(a) arising from any bankruptcy case filed during the one-year period shall not extend to the Property and shall not interfere with any foreclosure proceeding on the Property then pending.

The debtor Stanley Chappelle's pending bankruptcy case is the sixth bankruptcy case commenced by the debtor or his co-defendant within three years. Through these seriatim filings, the defendants have used the automatic stay of 11 U.S.C. § 362(a)

to delay foreclosure proceedings. The defendants have made no mortgage payments on the loan which was obtained in 1996 and which is secured by the Property. The defendants' abuse of the bankruptcy system warrants imposition of the equitable servitude.

However, the equitable servitude shall not apply to any bankruptcy case filed after a cure of all defaults (including all defaults now existing plus any further defaults that arise before the cure) in the obligations secured by the Deed of Trust. A judgment follows.

Dated: February 27, 2000.

S. Martin Teel, Jr.
United States Bankruptcy Judge

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